Oppenheimer's Prosecutor Named to Court of Appeals, P. 3

The Question Which Had Better Keep The White House Awake At Night

"Even after voting twice in four years for Presidents who promised peace, must Americans once again go into the streets to get it?"
—*Tom Wicker in the* New York Times, *March 20.*

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Well, If It Ain't Little Old Lyndon B. Nixon

I

In the second half of the Nineteenth century, Great Britain was swept by a series of war scares. The happy result—for the British Navy—was that its annual appropriations were more than doubled. "In each case," Alfred Vagts wrote in his *History of Militarism* (1959 rev. ed), "the alarmist cry rang out that the country was threatened by French naval increases or plans for such increases designed for the invasion of England. In each case it was subsequently disclosed that no such plans had existed." A Chancellor of the Exchequer, Sir William Harcourt, battling this expensive nonsense, used words in 1893 which apply with equal justice to the current scare tactics of Defense Secretary Laird and the Pentagon. "The principle of the alarmist," Sir William said, "is to pile up every conceivable contingency, probable or improbable, on one side and to admit no possible contingency on the other." A similar point was made when the nuclear scientist, W. K. H. Panofsky, testifying against the Nixon anti-ballistic missile, told the Gore subcommittee of Senate Foreign Relations March 28, "I can think of no better prescription for accelerating the arms race than by taking the position that we must prepare a fully safe counter-measure for any technically imaginable contingency." This is the strategy of the electronics industry in pushing the ABM as it was the strategy of British armor-plate, shipbuilding and gunpowder interests in the Nineteenth Century when they were pushing the naval race, first with France and then with Germany. The mendacity and the effrontery are the same. Only the price tags have gone up, and the destructive peril.

No Mega-Murder-Mathematics Required

The Panofsky appearance was a godsend for citizens who cannot cope with the intricacies of mega-murder-mathematics. It is difficult even for experts to follow the intricacies of nuclear war-gaming, and it is impossible to prove a negative.* But anyone can tell from the Panofsky incident whether we are dealing with honest men.

It seems that service in the Pentagon doth make liars of them all. When Deputy Secretary of Defense Packard was before the Senate Foreign Relations Committee March 26, Senator Fulbright —who has been magnificently militant— pressed him to name any scientists outside the Pentagon who had been consulted. Packard finally came up with one name, that of Prof. Panofsky, and left the committee with the impression that Panofsky approved the Nixon ABM decision. Dr. Panofsky is a leading authority on radar and helped to develop a key component in the radars which are a part of the ABM. He was a member of the President's Science Advisory Committee from 1959 to 1964. In that period deployment of an anti-missile system was twice rejected, once by Eisenhower and again by Kennedy.

Unbeknownst to Packard and the committee, however, Dr. Panofsky happened to be in the hearing room. He was here from Stanford to testify before the Joint Atomic Energy Committee. When reporters spotted him after the Packard testimony, he angrily denied that he had approved the system and said the only "consultation" was a cursory conversation

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Dwight David Eisenhower

As commander-in-chief in World War II Eisenhower was no military genius; he was a chairman of the board; his friendly capacity for getting along with people was his forte; he held the reins capably over a high-spirited team. As a political leader, he was a front man for the Establishment. A man who could be the ADA's wistful hope for President in 1948 and then the Republican candidate in 1952 was not a man of strong views. He had only foggy notions of the free enterprise ideology he preached; after all he had spent a lifetime in the cradle-to-the-grave security of military service — the only American counterpart of the total welfare state. There remain two black marks on his record. He was afraid to defend his great friend and mentor, George Marshall, in the 1952 campaign against the ugly slurs of Joe McCarthy. The other was his failure to offer an apology in the U-2 affair to save the Paris summit and the political future of Khrushchev who had staked it on the view that Ike was "a good guy" and a man of peace. Ike was both, but he was also weak and had the typical Army man's disinclination to hard work; firmer supervision of the CIA might have prevented that disastrous "accident." We remember nonetheless that though a soldier, he was not a militarist. He vetoed the ABM and held the Pentagon budget down. Like Washington's Farewell, Eisenhower's warned against the military. His final and indelible phrase about a military-industrial complex gave the peace forces their strongest rallying cry. We salute him for it.

* "For instance," the art critic Frank Getlein wrote in the *Washington Star* March 26, satirizing Laird's mode of testimony, "we have no real reason to believe that the Chinese are not even now engaged in digging a huge tunnel under the Capitol. Mao has neither affirmed nor denied that this work is going forward and therefore we have no right to assume that it isn't. That being so, the Department of Defense ought to let contracts at once—without competitive bidding, natch; that only slows things up—for giant earth-probe machinery, mammoth balloons which could hold the Capitol upright after the Yellow Peril knocks out the last support, [and] a Congressmen's Retrieval System for Defense Friends on the Hill . . ."

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during an accidental meeting with Packard at an airport. Panofsky asked to be heard by the committee. When he appeared two days later he said he had never participated "in any advisory capacity to any branch of the government" on the Nixon-ABM. He told the committee he considered its deployment "an unwise decision from many points of view: engineering judgment, economy and stopping of the arms race. And this last goal," he added, "is more important than all others."

The New SS-9 Bogeyman

Dr. Panofsky added to the new credibility gap on a more complex bit of Pentagon propaganda—Laird's Soviet "first strike" scare. Dr. Panofsky expressed "considerable skepticism" that such an attack could be mounted by the Soviets with "any confidence" of success. He called it "an extremely implausible projection of our available intelligence, including that concerning the SS-9." The SS-9 is the Pentagon's latest bogeyman in what Fulbright stigmatized as "the technique of fear." When Laird "declassified" this supposed secret before the Senate Foreign Relations Committee, Fulbright drew a laugh from the crowded hearing room when he observed that just because this information had been classified did not prove it was true. He might have added that just because it was classified did not even prove it was a secret. If the Foreign Relations Committee sends over to the Library of Congress for the 1968-69 edition of *Jane's All The World's Aircraft* which was printed in London last year, its members will find not only a full description but a picture of the SS-9 on pages 540 and 541. *Jane's,* the leading authority in its field for more than half a century, said this Soviet ICBM was first shown in the Moscow parade of Nov. 7, 1967, that it was liquid-fuel, that it had the NATO code name of "Scarp" and that it "had been referred to in the American press by the designation SS-9."

Laird's whopper on the SS-9 turns out to be neither a secret nor true. Symington interjected that only a few months ago the Senate Armed Services Committee was told by Dr. Alain Enthoven, then Assistant Secretary of Defense for Systems Analysis "that the SS-9 was built for a second strike purpose." The testimony appears on p. 119 in Part 1 of that Committee's special hearings on the Status of U.S. Strategic Power. The first deletion in the bottom paragraph obviously refers to the SS-9 and the second to the smaller SS-11.

A New Force Against Militarism

"America, which through most of its history has had a tradition of shunning militarization except under the necessities of large-scale war, is now inexorably moving toward a society in which its foreign policy and even its everyday life is dominated by the military."

—Dr. Arthur Larson, head of USIA under Eisenhower, summing up a two-day conference in Washington March 29 on the Military Budget and National Priorities in which 14 Senators, 39 Congressmen and many noted scholars participated. It called for a stop to ABM and MIRV, immediate strategic arms talks with the USSR, and a transitional regime in Saigon with NLF representation to preside over free elections and the creation of a new regime "which may or may not turn out to be to our liking."

MUST READING: The New American Militarism by Gen. David Shoup in The Atlantic Monthly **for April. The former Marine Corps Commandant has written the most devastating critique of its kind since Marine Gen. Smedley Butler in the 1930s attacked U.S. imperialism in Latin America.**

Dr. Enthoven said the Soviets were building up their forces "against the imagined threat of a U.S. first strike on their weapons and their cities," and that their construction of more ICBMs and a submarine-launched missile system (like our Polaris) was an effort to increase their second strike capability so they could maintain deterrence.

Dr. Enthoven said that while Soviet offensive forces are "larger and more survivable" than our intelligence projected in 1967 "they are much less effective than the theoretical Soviet threat against which we have been designing our forces." The "gap" is still in our favor.

Laird is peddling the wildest kind of nonsense. As Dr. Panofsky testified, a Soviet "first strike" to be successful would require the ability to launch an attack so huge and "so highly synchronized that it would *at the same time* [his italics] take our Polaris fleet, our strategic bombers, and our Minuteman force out of action" before any one of these three deterrent forces could launch a retaliatory attack. Dr. George W. Rathjens spelled out this virtual impossibility in his testimony the same day. He said this would require *all* of the following capabilities: "very large numbers of warheads with extreme accuracy," "an extraordinarily effective anti-submarine warfare capability," the ability to counter the new kind of

How The Pentagon Prepares For "Accelerated Pacification" Operations At Home, Too

"The Defense Department is rushing to completion a multi-million dollar Army Operations Center in the Pentagon basement to serve as a 'war room' in the event of urban riots this summer. Construction crews have been working since January in two shifts, and sometimes around the clock in three shifts, to complete the three-phase job of renovating, rewiring and remodelling a 250 by 400-foot area just below the Pentagon's Mall entrance.

"The Defense Department signed a contract with Baltimore Contractors, Inc., Dec. 12 which calls for the completion of all renovation and heavy construction work by June 30. The negotiated cost-plus fixed fee contract is for $1.75 million, but Pentagon sources say the cost could go up to $2 million. The second stage involves the installation of "communications facilities, situation displays and other equipment." Its cost probably will go well into the millions.

"For example, the room will be equipped with an 'Ultra Sonic Motion Detection Device' designed to sound an alarm when it detects 'the motion of a person in the protected area taking one step in one second followed by a three-second pause.' The room also will have closed circuit TV and hundreds of telephone and radio lines, many of them 'secure circuits' to prevent wiretapping or other electronic eavesdropping. A cast bank of computers will be housed in the two-story center with an instant display of information from their memory tapes.

"The center is located adjacent to the HQ of the unit established last summer to take charge of all military planning for civil disorders, the Directorate of Civil Disturbance Planning and Operations (DCDPO). It involves representatives of the Army, Navy, Air Force and Marines. The size of the Defense Department's growing commitment to such domestic crises was evidenced by the disclosure that it spent more than $9.8 million during 1968 in this category.

"Prior to the Washington, Baltimore and Chicago riots, Pentagon strategists were talking of coping with five concurrent disorders — a number which has since been escalated to 25 for planning purposes."

—Robert Walters in the Washington Star, *March 24.*

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air-to-surface missiles we are adding to our bomber forces so they can attack the Soviet Union from beyond its defense perimeter, and a nationwide anti-missile system able to intercept any retaliatory missiles which might have escaped its first strike. "Clearly," Dr. Rathjens testified, "the Soviet Union has *none* of these capabilities at present." Neither, he might have added, do we. The basic situation, as Dr. Enthoven testified last year to Senate Armed Services, "is and is likely to remain one of mutual deterrence. Neither side is likely to be able to launch a preemptive attack that will take away the other side's ability to retaliate." A new spiral in the arms race would only raise the balance of terror to more costly and destructive levels.

II

With the Laird team in charge at the Pentagon, it is difficult to believe that Nixon is serious about arms negotiations. When Laird told the Foreign Relations Committee March 21 "there is no question about it"—that the Soviets were "going for a first-strike capability"—he was doing more than fly recklessly in the face of the evidence.* He was creating attitudes at home and in Moscow more conducive to a new confrontation than negotiation. A first-strike capability is the capability to destroy the other side in a surprise attack. The American people, if they were to believe Laird, would have to ask themselves, how can we negotiate with people so malevolent? If they believe Laird and look at the evidence that neither side can hope to achieve such a capability, then they must conclude that the Soviet leaders are not only treacherous but are too lacking in rationality to make negotiation with them safe.

As Seen From Moscow

The prospect, from Moscow, must look as discouraging. The Soviet leaders know, *and they know our experts know,* that they lag far behind us in number of warheads and in technology. When they hear Laird creating such false alarms, they can hardly believe we are serious about arms negotiations. They know that Laird in his 1962 book "America's Strategy Gap" argued for a U.S. first strike policy. They know that our MIRV's threaten something very close to it in the next few years by multiplying the warheads of Polaris by ten and those of Minuteman by three while we are expanding the power of our bomber force manyfold by the "stand-off" missiles of SRAM and the "multiple re-entry" vehicles of SCAD. In view of the stupendous buildup of U.S. nuclear power underway, it is they—not we—who must fear first-strike. How negotiate with people who so misrepresent the facts? How deal with men so slippery? Deterrence depends on a cool rationality. Both sides have always feared the rise on the other side of fanatics hot-headed enough to take deadly chances. If lunatics are to be feared, the Russians may reasonably feel there is more reason to fear them in the Pentagon than in Moscow or Peking.

Laird's first strike scare contradicts his bargaining position. His bargaining position is that the Russians must pay with political settlements for any letup in the arms race. This assumes that they are in more danger from us than we from them, that it is *we* who can negotiate from a situation of strength. Otherwise we could hardly exact a political price for an arms agreement. This seems to be the White House position, too. Nixon's men phrase it more discreetly than Laird's, but it is clear enough from Nixon's press conferences and—most recently—from his March 18 letter to the U.S. delegation to the Geneva arms talks. "Regarding the ques-

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* Those who drafted his formal statement that day were much more careful. This is how they phrased it, "With improvements in the accuracy and a continued increase in numbers, the Soviet missile force could gain real effectiveness against our Minutemen." He should have been asked, how big an increase in accuracy and numbers would this require? How many years would such improvement take? And what is meant by "real effectiveness?" To knock out a third or even two-thirds of our Minutemen would be "real effectiveness" but it would still be far from a first strike capability.

Wall St. Journal Anti-Military, Too

"Now more than ever there is need for the civilian vigilance Mr. Eisenhower recommended. By its size alone the military has gained profound influence on the economy, and perhaps less apparently, on the formation of foreign policy, since policy often depends on the tools available to implement it. A large, inflexible military organization unchecked by strong civilian review can lead only to a self-perpetuating drain on national treasure, a demoralized citizenry, and foreign policies dangerously irrelevant in a world moving rapidly away from traditional forms of war and diplomacy."

—Wall Street Journal *editorial, March 19.*

Nixon Names The Prosecutor of J. Robert Oppenheimer to the Court of Appeals

Three items suggest we were premature in deciding that Nixon had given up his witch-hunt proclivities of the 50s. His first major judicial appointment is to send Roger Robb, the AEC's vindictive prosecutor of Dr. J. Robert Oppenheimer to the U.S. Court of Appeals. Joseph and Stewart Alsop in their famous "We Accuse" article for Harper's in 1954 criticized the AEC for picking as its chief counsel in that security hearing "a man best known as the lawyer for Senator Joseph R. McCarthy's chief journalistic incense-swinger, Fulton Lewis, Jr." Professor Harry Kalven of Chicago wrote in his analysis of the case that Robb conducted himself in a way "that would be barely appropriate in a prosecutor in a murder trial." Robb was the instrument of the Air Force vendetta against Oppenheimer.

The second item is an interview with Attorney General Mitchell by Sarah McClendon (Washington Star, March 24). Mitchell hailed the indictment of eight Chicago convention demonstrators as "a great step forward". He said campus riot leaders "make it easy for foreign governments to make dupes of us", a cryptic non-sequitur he did not explain. When asked if he thought them paid, he replied "yes" and added, "People should recall this is the way Hitler got his start. He started working in academic ranks with students." A novel discovery. Mitchell is rewriting history in his effort to put a Hitler mustache on the S.D.S. Mitchell also complained that he was having "a terrible time" because college presidents and professors did not want him to prosecute students. Mitchell said he plans to put the records of "hard-core" student leaders before the Subversive Activities Control Board "to determine whether they are Communists." Few student leaders would care to be found dead with a party card.

This brings us to the third item — Nixon's appointment of Otto Otepka to a $36,000 a year job on this decayed old witch-hunt agency. Years ago Otepka was ousted from the State Department for carrying its files to Congressional Red-hunters. Nixon in his campaign promised a review of the case. When Secretary of State Rogers refused to reinstate, Nixon sent Otepka to the SACB. With Mitchell and Robb, he should make a fine team.

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tion of talks between the U.S. and the Soviet Union on the limitation of strategic arms," Nixon wrote, "the U.S. hopes that the international political situation will evolve in a way which will permit such talks to begin in the near future." The long delayed beginning of the arms talks are thus made to depend—not on the time required for the new Administration to prepare itself, as Secretary Rogers told the Foreign Relations Committee—but on "the international political situation." The Rogers soft sell is smoke-screen. The reality is to be seen in Laird, and Laird speaks for Nixon, though with less finesse. Laird is tricky but Nixon is trickier.

Hardened Terms on Vietnam

What is the most important component of "the international political situation?" The Vietnamese war. I believe the "secret talks" on the Vietnamese war the Nixon Administration emphasizes so repeatedly and coyly are not taking place with Hanoi or NLF but with the Russians. Over and over again we have read in the dispatches since Nixon took over that his Paris negotiators had yet to receive permission to resume the secret talks which had proven so fruitful under Harriman. Nixon himself has always said that the key to peace in Vietnam lay in Moscow, i.e., in a deal with the Russians. This simplistic view springs directly from the cold war demonology Laird is reviving. It sees the Vietnamese rebellion and civil war as a simple Communist plot which can be turned off from a Moscow spigot. I believe arms talks are being held up until the spigot is shut off. That may take a long time.

Laird gave the game away on Vietnam, as he has on strategic missiles. The terms he disclosed in his presentation March 27 to the House Armed Services Committee are a serious obstacle to negotiations. "The basic problem," he said, "remains that of achieving *permanent* South Vietnamese governmental control over the country." The italics are ours. "Permanent" means that we commit ourselves (1) to keeping the Saigon government in power and (2) maintaining the division of Vietnam. That is a double step backward, a double hardening of our terms in the direction of a Korean solution, with a dictatorial military regime and a constitutional facade in South Vietnam like that we installed in South Korea. In a Department which must be nameless under a not-for-attribution rule, the highest permanent civil servant under the two Nixon appointees indicated in an otherwise inane briefing for visiting editors from all over the country that a Korean solution was still the objective of policy in that Department, too.

I regard the Thieu interview offering the Viet Cong a place in the political life of South Vietnam if they "abjure violence" as part of a campaign to tamp down the American public's impatience, to give the semblance rather than the reality of movement. A regime which has been jailing hundreds if not thousands of non-Communist and anti-Communist Buddhists, which outlaws neutralism and pacifism as well as Communism, which permits neither freedom of press nor speech despite its Constitution, is hardly likely to make the Viet Cong feel it would be safe to lay down their arms and rely on its promises. Similar promises were made in the 1954 settlement, and the Viet Minh soon landed in Diem's concentration camps. Laird speaks darkly of a military alternative if negotiations fail, and a wider war is a real possibility. Nothing fundamental has changed in Washington. Nixon is carrying on where Johnson left off, with the ABM, in a mountainous military budget, and in the desire to maintain South Vietnam as an American satellite. And he is trying to get away with the same deceptions. The LBJ brand Johnson loved to put on everyone near him is plain on his successors. It might just as well be Lyndon B. Nixon and L. B. J. Laird.

Add Blessings of The Vietnam War

"A high attack rate of Vietnam Rose—the serviceman's delicate name for gonorrhoea — is defeating considerable medical efforts to contain the spread of venereal disease. A report to be published by the World Health Organization in a few months will show that the situation is rapidly becoming more acute than ever before in conditions of war. In one unit of U.S. troops, it is estimated that about 700 out of 1,000 men are infected each year. Even more worrying is the fact that gonorrhoea has developed resistance to a whole range of anti-biotics. The more highly paid prostitutes who associate with the armed forces, dose themselves with inadequate amounts of penicillin. They thus provide weak ammunition against the bacteria and only succeed in 'becoming living culture media for the selection and breeding of the more resistant organisms'."

—London Observer *(Mar. 23)*.

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